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International Business Machines Corporation and  
Theodore Lowry

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LOUIS I. BRAUNSTEIN,  
Plaintiff,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
THEODORE LOWRY, WILLIAM  
SPENCER, and DOES 1 through 100,  
inclusive,

Defendants.

No. C-05-03698-SI

**STIPULATION AND [PROPOSED] ORDER  
OF DISMISSAL**

1 Pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, plaintiff Louis I. Braunstein and  
2 defendants International Business Machines Corporation and Theodore Lowry, through and by their  
3 attorneys of record, stipulate as follows:

4 This action may be DISMISSED WITHOUT PREJUDICE against defendants Theodore Lowry  
5 and William Spencer, each party to bear their own costs and attorneys' fees.

6 Dated: January \_\_, 2006.

MARK E. ELLIS  
ROBERT W. LUCAS  
MURPHY, PEARSON, BRADLEY & FEENEY  
PAUL NICHOLAS BOYLAN

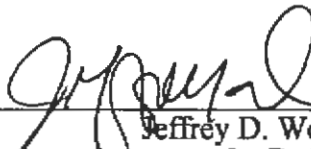
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Robert W. Lucas  
Attorneys for Plaintiff  
Louis I. Braunstein

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12 Dated: January 12, 2006.

JEFFREY D. WOHL  
DANIEL E. WALDMAN  
PAUL, HASTINGS, JANOFSKY & WALKER LLP

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15 By: \_\_\_\_\_

  
Jeffrey D. Wohl  
Attorneys for Defendant  
International Business Machines Corporation and  
Theodore Lowry

1 Pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, plaintiff Louis I. Braunstein and  
2 defendants International Business Machines Corporation and Theodore Lowry, through and by their  
3 attorneys of record, stipulate as follows:

4 This action may be DISMISSED WITHOUT PREJUDICE against defendants Theodore Lowry  
5 and William Spencer, each party to bear their own costs and attorneys' fees.

6 Dated: January 12, 2006.

MARK E. ELLIS  
ROBERT W. LUCAS  
MURPHY, PEARSON, BRADLEY & FEENEY

8 PAUL NICHOLAS BOYLAN

9 By: 

Robert W. Lucas  
Attorneys for Plaintiff  
Louis I. Braunstein

10 Dated: January \_\_, 2006.

JEFFREY D. WOHL  
DANIEL E. WALDMAN  
PAUL, HASTINGS, JANOFFSKY & WALKER LLP

11 By: \_\_\_\_\_

Jeffrey D. Wohl  
Attorneys for Defendant  
International Business Machines Corporation and  
Theodore Lowry

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STIP AND [PROPOSED] ORDER OF DISMISSAL  
U.S.D.C., N.D. Cal., No. C-05-03698-SI

**ORDER**

On the stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: January \_\_, 2006.

